

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1104

Introduced by Fulton, 29.

Read first time January 23, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Uniform Credentialing Act; to
2 amend sections 38-2001 and 38-2037, Revised Statutes
3 Supplement, 2007; to provide for unlawful billing
4 practices as prescribed; to change disciplinary action
5 provisions relating to unprofessional conduct; to provide
6 an operative date; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2001, Revised Statutes Supplement,
2 2007, is amended to read:

3 38-2001 Sections 38-2001 to 38-2061 and section 3 of this
4 act shall be known and may be cited as the Medicine and Surgery
5 Practice Act.

6 Sec. 2. Section 38-2037, Revised Statutes Supplement,
7 2007, is amended to read:

8 38-2037 In addition to the grounds for disciplinary
9 action found in sections 38-178 and 38-179, a license to practice
10 medicine and surgery or osteopathic medicine and surgery may be
11 denied, refused renewal, limited, revoked, or suspended or have
12 other disciplinary measures taken against it in accordance with
13 section 38-196 when the applicant or licensee:

14 (1) Fails ~~fails~~ to comply with the provisions of section
15 71-603.01, 71-604, 71-605, or 71-606 relating to the signing of
16 birth and death certificates; or -

17 (2) Fails to comply with section 3 of this act.

18 Sec. 3. (1) A licensee or an applicant for a license to
19 practice medicine and surgery or osteopathic medicine and surgery
20 shall not charge a markup, commission, or profit on an anatomic
21 pathology service or directly or indirectly increase the actual
22 amount to be paid for such service if the applicant or licensee
23 was a referring physician who ordered but did not supervise or
24 perform the anatomic pathology service. This subsection does not
25 prohibit a referring physician from charging a specimen acquisition

1 or processing charge if:

2 (a) The charge is limited to actual costs incurred for
3 specimen collection and transportation;

4 (b) The charge is coded or denoted as a service distinct
5 from the performance of the anatomic pathology service; and

6 (c) The patient is notified in advance of the charge.

7 (2) The licensee or applicant who was a referring
8 physician who ordered but did not supervise or perform an anatomic
9 pathology service shall disclose in a bill for such service
10 performed by another physician or laboratory presented to the
11 patient, insurer, or other third-party payor:

12 (a) The name and address of the physician or laboratory
13 that provided the anatomic pathology service; and

14 (b) The actual amount paid or to be paid for each
15 anatomic pathology service provided to the patient by the physician
16 or laboratory that performed the service.

17 (3) For purposes of this section:

18 (a) Anatomic pathology service means:

19 (i) Histopathology or surgical pathology, which means
20 the gross and microscopic examination and histologic processing of
21 organ tissue performed by a physician or under the supervision of
22 a physician;

23 (ii) Cytopathology, which means the microscopic
24 examination of cells from the following: Fluids; aspirates;
25 washings; brushings; or smears, including the Pap test examination

1 performed by a physician or under the supervision of a physician;

2 (iii) Hematology, which means the microscopic evaluation
3 of bone marrow aspirates and biopsies performed by a physician or
4 under the supervision of a physician and peripheral blood smears
5 when the attending or treating physician or technologist requests
6 that a blood smear be reviewed by the pathologist;

7 (iv) Subcellular pathology and molecular pathology; or

8 (v) Blood-banking services performed by pathologists; and

9 (b) Anatomic pathology service does not include the
10 initial collection or packaging of the specimen for transport.

11 Sec. 4. This act becomes operative on December 1, 2008.

12 Sec. 5. Original sections 38-2001 and 38-2037, Revised
13 Statutes Supplement, 2007, are repealed.